UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

	No. 5:09-CV-448-F	
MICHAEL J. GIBBONS,)	
Plaintiff,)	
)	
VS.)	<u>ORDER</u>
)	
CHAS. H. SELLS, INC.,)	
d/b/a WSP SELLS,)	
Defendant	ì	

This matter is before the court on the Motion to Dismiss [DE-13] filed by Deefndant Chas. H. Sells, Inc., d/b/a WSP Sells. United States Magistrate Judge James E. Gates issued a Memorandum and Recommendation ("M&R") [DE-28] recommending that the motion be denied . No objections to the M&R have been filed and the time for doing so has expired. The motion is therefore ripe for ruling.

A district court may "designate a magistrate judge to submit . . . proposed findings of fact and recommendations for the disposition" of a variety of motions. 28 U.S.C. § 636(b)(1)(B). The court then must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). Upon review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id*.

Here, no objection to the M&R has been filed, and therefore the parties have waived their right to a de novo review of any issue covered in the M&R. Even so, the court has conducted a full and careful review of the M&R and the record, and had determined it is correct and in accordance with the law. Consequently, the M&R is ADOPTED, and the Motion to Dismiss [DE-13] is

DENIED.

SO ORDERED. This the 13 day of November, 2010.

AMES C. FOX

Senior United States District Judge